



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, Utah 84078
(435) 781-4400 Fax: (435) 781-4410
<http://www.ut.blm.gov/utah/vernal>

5/047/048
RECEIVED

JUN - 9 2003

IN REPLY REFER TO:

3809
(UT08300)
U66354

JUN 04 2003

DIV. OF OIL, GAS & MINING

Certified Mail
Return Receipt Requested
No. 7002 2030 0004 3215 8241

Norman Haslem	:	Notice UTU66354; T.5S., R.24E.
2041 South 2000 East	:	Section 6 (western part of Lot 13),
Vernal, Utah 84078	:	Salt Lake Meridian

Notice Expired
Reclamation Partially Completed-Holding for Revegetation

The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503. You did not request an extension of UTU- 66354. Therefore this notice expired on January 20, 2003. All operations except reclamation must cease (43 CFR 3809.335). Enclosure 1 is a copy of the surface management regulations.

An inspection of the site subject to your notice on March 27, 2002 revealed that the earthwork conducted in June of 2001 was satisfactorily completed and remains stable. However, vegetative cover is still not adequate (despite your initial seeding of the area in September of 2001) and the notice cannot be closed until such time as revegetation has been determined successful. A closer inspection of the contents lists from the bag of seed you distributed revealed the amount of pure live seed broadcast was about one-fifth of the quantity that should have been applied.

To satisfactorily meet the reclamation requirements, you need to take the following actions.

- There are three areas within the reshaped area (see enclosures 1 and 2) that have an excess of cobbles covering the surface and, therefore, lack sufficient growth medium to support revegetation. There is a pile of fine material just to the north of the reshaped area. You may excavate, to no deeper than adjacent ground level and place the fines over the cobbles before reseeding the area.

- You should seed the area again with following (the poundage is based upon the reshaped area to be seeded is 4 acres in size, as measured by our office using GPS technology)

common name	scientific name	pounds PLS if drilled	pounds PLS if broadcast
shadscale	Atriplex confertifolia	12	24
fourwing saltbush	Atriplex canescens	12	24
western wheatgrass	Agropyron smithii	8	16
wyoming big sage	Artemesia tridentate wyomingensis--	4 pounds PLS (the sage must be broadcast after the other seed has been applied; it is not required to be covered).	

Special notes about seeding -- PLS is short for pure live seed. The seed should be applied in October or November 2003. We prefer you drill the seed (assures the seed is adequately buried and would be less impacting to existing grasses and volunteer shrubs that are emerging). If the seed is broadcast, it must be covered immediately after application by discing or harrowing, or by having a dozer walk over the area (preferably in an east-west direction; to press the seed into the soil). Seed applied to public lands must be noxious weed free (the seed vendor must provide you with a written confirmation of such). You are to advise the Vernal Field Office 2 days prior to the application of the seed (we will witness the seeding) and provide us with a copy of the constituents list of the seed applied within 5 days of the completion of seeding. The second seeding would be followed by three years of monitoring by the BLM. For your information, our office has erected three advisory signs to travelers that they need to stay off the reshaped area (blue squares on enclosure 1). You are highly encouraged to monitor the area too and you should report to the Vernal Field Office any third party activities that appear to be adverse to the stability or revegetation of the area.

If you do not agree and are adversely affected by the decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director review. You have 30 days from the end of the 21 days period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Vernal Field Office, 170 South 500 East, Vernal, Utah 84078) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

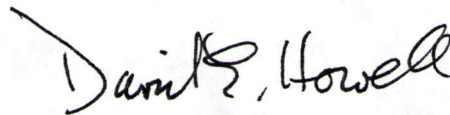
If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,



David E. Howell
Field Manager

enclosures:

- 1- 43 CFR 3809 Regulations
- 2 - Form 1842-1
- 3 - figure of project area
- 4 - images of the project area and pile of fines

cc: Wayne Hedberg, UDOGM (S/047/048) w/o encl
claimants of record Sno-Ben #2 placer mining claim UMC282391